

REMARKS/ARGUMENTS

Claims 18-27 are pending in this application. Claims 18 and 28 have been amended to clarify the method as a preventative method for protecting the skin from light-induced ageing and/or environment-related stress (Claim 18) and protecting against greasy skin (Claim 28). These amendments are supported by the specification as originally filed. No new matter is added.

The Applicants would like to thank the Examiner for withdrawing the election requirement and examining all of the pending claims. The Applicants also thank the Examiner for the courteous discussion granted to the undersigned on October 14, 2003.

During this discussion, the rejection of Claims 18 and 28 under 35 U.S.C. § 112, first paragraph, the only rejection in this application, was addressed. During the discussion, the Examiner indicated that the term “preventing” in the claimed methods was not enabled based on the interpretation of “preventing” to mean that the conditions will never occur reasoning that the skin will eventually age and/or become greasy to some degree. This reasoning is moot in light of the amendment in which the claims are directed to a preventative method for protection.

A preventative method as known in the medical and cosmetic fields involves the application or administration of a composition to individual such that the condition can be defended against or the progression of the condition can be slowed or delayed. In particular, Applicants refer the Examiner to the common dictionary meaning of the term “preventative” taken from the American Heritage Dictionary of the English Language attached hereto.¹

As to the enablement of the ability of the compositions when applied to the skin to act as a preventative for light-induced ageing and/or environment-related stress (Claim 18) and greasy skin (Claim 28), Applicants note the following.

¹ The American Heritage® Dictionary of the English Language, Fourth Edition. Copyright © 2000 by Houghton Mifflin Company. Published by the Houghton Mifflin Company.

The Patent Office has already recognized the patentability, and thus enablement, for methods of treating the skin for treating light-induced ageing and/or environment-related stress and/or greasy skin—with reference to the parent application, U.S. patent 6,337,077. In one embodiment, for example, treating means the application of the composition to treat an existing condition, e.g., light-induced ageing and/or environment-related stress and/or greasy skin. A preventative method may also facilitate the treatment of an existing condition, e.g., slow/delay the progression of the condition (referring to the known meaning noted above) and/or be used by an individual to defend against even if the individual is not currently suffering from the condition—which, again, is based on the common meaning in the relevant field of technology.

With respect to the scientific basis for this preventative method, Applicants reiterate the points outlined in the preliminary amendment filed with this application.

As noted by the claims themselves, the claims simply require applying the novel and unobvious composition to the skin. In addition, the specification provides significant and sufficient guidance with respect to the use of this composition in both preventing light-induced ageing and/or environment-related stress of the skin, and greasy skin. See for example, Examples 5 and 6 which show the use of the presently claimed composition as regards both greasy skin and the harmful effects of pollution.

One active agent in Applicants' composition is L-2-oxothiazolidine-4-carboxylic acid. As noted in EP 0655245, this active agent is known to affect the intracellular level of Glutathione (GSH). In addition, other publications submitted in the IDS have noted the effect of GSH on the ageing process, and the effect of L-2-oxothiazolidine-4-carboxylic acid on GSH level.

It is thus clear that the presently claimed inventions utilizing L-2-oxothiazolidine-4-carboxylic acid are able to act as a preventative to protect the skin from light-induced ageing and/or environment-related stress of the skin, as well as greasy skin.

Skin ageing in general, in particular UV-induced skin ageing, is characterized by a decrease of intracellular GSH. GSH is an anti-oxidant which contributes to the elimination of reactive oxygen species such as peroxides coming from radical-induced reactions (these peroxides are responsible for the degradation of cellular substrates such as lipids and proteins, and lead to skin ageing). Environmental stress is also caused by reactive radicals present in the atmosphere, such as those coming from oxygen or ozone and pollution. Because GSH is an antioxidant against such species it can prevent the skin from environmental stresses.

In greasy skin the amount of squalene-peroxide is increased. These peroxides lead to an anaerobic medium where acne develops, porphyrin increases, and as a consequence singlet (reactive) oxygen will be formed. This reactive oxygen species initiates oxidation and decreases the amount of oxygen, and acne increases. GSH acts by trapping singlet oxygen and maintaining the oxygen level in the medium such that the phenomenon does not occur.

Thus, and in view of the fact that Applicants' composition contains L-2-oxithiazoladine-4-carboxylic acid, there is no question that one of ordinary skill in the art is capable of practicing the presently claimed methods.

Withdrawal of the rejection under 35 U.S.C. § 112, first paragraph is requested.

Applicants also request consideration of the Information Disclosure Statement filed July 16, 2003.

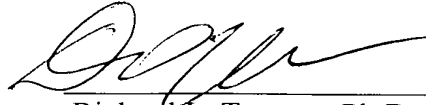
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Reply to Office Action of August 13, 2003

Finally, Applicants request that this application be passed on to issuance.

Respectfully submitted,

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